

Public Safety

Bureau of Investigation

PROPERTY OF
ALABAMA BUREAU OF INVESTIGATION

1. SUBJECT FINAL SUMMARY		2. FILE NUMBER 4C-0057-96-2006	
COPY TO <i>David M. Warren</i>		3. DATE OF REPORT 20051208	4. SENSITIVITY CODE A
5. DETAILS FURNISHED BY <i>L. C. Wright</i> DATE: <i>11/10/05</i> <p>This investigation was ordered by the ABI Chief, Major KEN HALLFORD upon a written request by, Sheriff DAVID M. WARREN, Macon County Sheriff's Department on October 18, 2005. Area Commander Lieutenant JAMES ROBERTS assigned Corporal CHARLES WRIGHT to complete the investigation.</p> <p>The request was concerning allegations of excessive use of force by a Macon County Deputy. The allegations were lodged by the parents of a juvenile, age 12, claiming their child was injured by a deputy following the October 7, 2005, football game at Booker T. Washington High School in Tuskegee, Alabama. On October 26, 2005, Corporal CHARLES WRIGHT was assigned to begin an investigation concerning these allegations.</p> <p>It was learned that on the night of October 7, 2005, just prior to the end of the football game, security personnel, consisting of Deputies from the Macon County Sheriff's Department and Officers from the Tuskegee Police Department, were told there was a black male outside of the football stadium with a gun in his possession. Security officers responded to the area where the subject was reported to be. Deputy ERIC WHITLOW stated the person with the gun was reported to be wearing an orange T-shirt and blue jeans. Deputy WHITLOW stated he observed the individual as well as several others fighting. Deputy WHITLOW called for assistance and was able to apprehend the individual who reportedly had the gun. As Deputy WHITLOW was attempting to secure this person another unknown person was continuing to strike at the person being taken into custody. In order to do this the person was having to swing over Deputy WHITLOW. Deputy WALTER LACEY stated he observed Deputy WHITLOW between two individuals trying to get them under control. Deputy LACEY stated he tried to pull one of the individuals away but due to this person holding on to either the other person Deputy WHITLOW was attempting to secure or had hold of Deputy WHITLOW himself. Deputy LACEY was unable to get the person to let go. Deputy LACEY stated he struck this unknown person with his baton (ASP). Deputy LACEY said he struck the person twice on the right leg and once on the right arm in an effort to get the person to stop. Deputy LACEY stated this person let go and was able to get away and run off.</p> <p>It was learned the person reported to have a gun was Q [REDACTED] J [REDACTED] a 15 year old, black male. J [REDACTED] was taken into custody and did have a nickel plated, .38 caliber handgun in his back pocket. The person whom Deputy LACEY struck was unidentified until October 12, 2005, when R [REDACTED] A [REDACTED] JR., age 12, was brought to the Sheriff's Office by his parents and a complaint made.</p> <p>During the course of the investigation Corporal WRIGHT obtained statements from several officers working security at the school on the night of the incident. The officers stated several fights had broken out involving eight to ten people. When these officers were asked if they observed Deputy LACEY strike anyone with his baton (ASP), they replied they did not due to all the confusion, referring to the fights going on and the threat of someone with a gun.</p> <p>On November 10, 2005, Corporal WRIGHT met with R [REDACTED] A [REDACTED] JR. and his father, RICHARD ARNOLD, and their attorney, ARLENE RICHARDSON, in Hayneville, Alabama. A [REDACTED] stated he had been dropped off at the game by his grandmother and was left to locate his brother, R [REDACTED] L [REDACTED] 17 years of age, who was already at the game. A [REDACTED] said he found his brother, and the two of them along with another subject, R [REDACTED] S [REDACTED], walked around during the ballgame. A [REDACTED] said near the end of the game the three of them walked out of the stadium and that they were approached by Q [REDACTED] J [REDACTED] and C [REDACTED] W [REDACTED] A [REDACTED] said J [REDACTED] pulled a gun from the waist area of his pants and pointed it at R [REDACTED] and said, "I will put a cap in you". A [REDACTED] said they kept on walking and J [REDACTED] came up behind them and still</p>			
6. NAME OF AGENT WRIGHT, LOUIS C		7. SIGNATURE OF AGENT <i>Louis C. Wright</i>	
		8. REVIEWED BY <i>LT M. O. [REDACTED]</i> 12/14/05	
		9. PAGE 1	
		10. EXHIBIT NO.	

Public Safety

Bureau of Investigation

1
had the gun in his hand. A [REDACTED] said J [REDACTED] said something to R [REDACTED] and then took a swing at R [REDACTED] and the two of them began fighting. A [REDACTED] continued by saying C [REDACTED] W [REDACTED] and R [REDACTED] S [REDACTED] started fighting but did not fight very long. A [REDACTED] said by this time R [REDACTED] and J [REDACTED] were on the ground fighting. A [REDACTED] said the police came up and one of them grabbed both R [REDACTED] and J [REDACTED] by the backs of their shirts. A [REDACTED] said while the officer had hold of them, J [REDACTED] was swinging over the officer trying to hit R [REDACTED]. A [REDACTED] said while R [REDACTED] and J [REDACTED] were on the ground fighting he tried to grab J [REDACTED] and pull him off of R [REDACTED]. A [REDACTED] stated J [REDACTED] snatched away from the officer and ran. Officers stated there were more fights going on, one of which involved an individual on the ground being kicked and stomped on by several other persons.

A [REDACTED] stated after the fighting had been stopped an officer came up to him, grabbed him and threw him to the ground and hit him with his stick (ASP). A [REDACTED] said he was hit on the outside of his right thigh, on his upper right arm and near his left hip. A [REDACTED] said he was being held down while he was being hit. A [REDACTED] said when the officer let go he and R [REDACTED] ran off. A [REDACTED] said R [REDACTED] and R [REDACTED] went to R [REDACTED]'s car and left. A [REDACTED] said he saw his sister, K [REDACTED], in front of the school. A [REDACTED] said the two of them waited for their mother to come and pick them up.

It was learned during the investigation that there was an ongoing feud between R [REDACTED] L [REDACTED] and Q [REDACTED] J [REDACTED]. The parents of R [REDACTED] L [REDACTED] and R [REDACTED] A [REDACTED] JR. were aware of this ongoing dispute and school officials confirmed it.

A [REDACTED] said on the following Monday, October 10, 2005, his mother took him to the Tallassee hospital. A [REDACTED] said x-rays were taken and said they were told there was a broken blood vessel in his right leg. A [REDACTED] said his mother took him to Dr. MOLLIE WALKER in Tuskegee a couple of days later to be checked out. A [REDACTED] concluded by saying he went back to Dr. WALKER a couple of weeks later for a final check-up. A [REDACTED]'s medical records from the hospital and medical doctor have been subpoenaed but have not been received as of December 09, 2005. These records will be placed in the case file upon receipt.

Corporal WRIGHT was given the names of two individuals that may have seen the fight, E [REDACTED] D [REDACTED] and J [REDACTED] M [REDACTED]. Corporal WRIGHT met with them on November 29, 2005, and both stated they did not see anything except for the fights and because of the possibility of someone having a gun they did not stay around. Both stated they did not see an officer hit anyone.

The investigation is complete and no witnesses could be found and none have come forward indicating Deputy LACEY used excessive force. There were several altercations going on at the same time involving several persons which caused much confusion. The possibility of someone with a gun only added to the confusion which caused the crowd, including any witnesses, to disperse very quickly. Deputy LACEY indicated he would not recognize the individual he struck if he saw him again and stated he was just trying to assist another Officer caught between two persons that were fighting. Deputy LACEY also said he only used the necessary force that caused the individual to stop his aggression.

Corporal CHARLES WRIGHT requests a copy of this case file be provided to the Macon County District Attorney Office, Fifth Judicial Circuit, and to Macon County Sheriff DAVID WARREN.

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